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Attorneys for Defendant
Mr. Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:23CR228-DJC
Plaintiff,)
vs.) STIPULATION AND ORDER TO CONTINUE
) JUDGMENT AND SENTENCING
EDGAR ENRIQUE GARCIA-LOPEZ,) Date: January 9, 2024
) Time: 9:00 a.m.
) Judge: Daniel J. Calabretta
<u>Defendant.</u>)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Alstyn Bennett, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan Baigmohammadi, counsel for Defendant Edgar Enrique Garcia-Lopez, that the previously scheduled Judgment and Sentencing set for January 9, 2024 be continued to January 30, 2025 at 9:00 a.m.

The parties specifically stipulate as follows:

1. At the October 10, 2024 Status Conference re Judgment and Sentencing the Court modified the sentencing schedule because Mr. Garcia intended to file a Motion to Compel Discovery re: sentencing manipulation and the draft PSR had only published a week prior. The Court reset Judgment and Sentencing for January 9, 2024.

2. On November 10, 2024, Mr. Garcia requested information from the government relevant to an objection to the draft PSR assessing a +2 specific offence characteristic for importation of methamphetamine.
3. On November 15, 2024, the Court granted Mr. Garcia's Motion to Compel Discovery re: sentencing manipulation. ECF no. 67.
4. The following occurred while defense counsel was on leave from November 28 through December 13, 2024. On December 3, 2024, the government informed defense counsel that it had reviewed agent's notes and communications and did not find any materials responsive to the Motion to Compel Discovery re: sentencing manipulation. Informal objections were due on December 12, 2024.
5. On December 16, 2024, the government confirmed the information necessary for Mr. Garcia to file an informal objection to the PSR with respect to the +2 specific offence characteristic for importation of methamphetamine.
6. Mr. Garcia needs additional time to adequately prepare for sentencing. He is exploring next steps with respect to any sentencing manipulation arguments, and he wishes to timely submit informal PSR objections.
7. For all the above reasons, Mr. Garcia believes that good cause and compelling circumstances exist to continue the Judgment and Sentencing.
8. The government does not object to Mr. Garcia's continuance request.
9. For the forgoing reasons, the parties jointly request that the Judgment and Sentencing Schedule be modified as follows.

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1	Draft PSR	completed
2	Informal Objections	January 2, 2025
3	Final PSR	January 9, 2025
4	Formal Objections	January 16, 2025
5	Response to Formal Objections/Sentencing Memorandum	January 23, 2025
6		
7	Judgment and Sentencing	January 30, 2025

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: December 18, 2024

/s/ Hootan Baigmohammadi
HOOTAN BAIGMOHAMMADI
Assistant Federal Defender
Attorneys for Defendant
Mr. Garcia

Date: December 18, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ Alstyn Bennett
ALSTYN BENNETT
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: December 20, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE